

**1427 – Responsible Individuals List**

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## I. INTRODUCTION

The development of the Responsible Individuals List (RIL) is a direct result of federal requirements under the Child Abuse Prevention and Treatment Act (CAPTA) (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ320/pdf/PLAW-111publ320.pdf>), Section 106(a). The CAPTA grant requires each state to establish procedures for individuals found to have abused or neglected a juvenile to appeal that decision. Non-compliance with this requirement directly impacts the receipt of CAPTA funds.

During the 2005-2006 North Carolina Legislative Session, Session Law 2005-399, HB-661 (<http://www.ncga.state.nc.us/Sessions/2005/Bills/House/HTML/H661v7.html>) was passed. This law authorizes the North Carolina Department of Health and Human Services (DHHS) to establish a list of individuals responsible for the abuse and/or serious neglect of a juvenile, to define serious neglect, and to establish a process for expunction from that list.

However, on March 2, 2010 the N.C. Court of Appeals ruled that the statutory provisions permitting an individual's name to be placed on the Responsible Individuals List (RIL) without the opportunity for a prior judicial review hearing were unconstitutional. As a result of that decision, *In re W.B.M.*, 202 N.C. App. 606 (2010), (<http://appellate.nccourts.org/opinions/?c=2&pdf=MjAxMC8wOS0yMDU0MS5wZGY>) Session Law 2009-507, SB-567 (<http://www.ncga.state.nc.us/Sessions/2009/Bills/Senate/PDF/S563v7.pdf>) was enacted. It now requires that individuals identified as responsible for the abuse or serious neglect of a child have an opportunity for a judicial review before their names go on the RIL.

Effective October 1, 2013, and applicable to all actions filed on or after or pending at that time, significant changes were made to the RIL process by the General Assembly in Session Law 2013-129, HB-350, Sections 4 and 5. (<http://www.ncleg.net/Sessions/2013/Bills/House/PDF/H350v4.pdf>).

This policy incorporates those October 1, 2013, changes and outlines procedures regarding notice to an alleged responsible individual and the procedures for a judicial review of the local child welfare agency's decision to substantiate abuse and/or serious neglect and identify the individual as a responsible individual.

## II. DEFINITIONS

Session Law 2010-90 (<http://www.ncga.state.nc.us/Sessions/2009/Bills/Senate/PDF/S567v6.pdf>) amended the definition of Responsible Individual found in G.S. § 7B-101 ([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_7B/GS\\_7B-101.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-101.html)) and added a definition for Serious Neglect. The definitions read:

- (18a) *Responsible Individual* – A parent, guardian, custodian, or caretaker who abuses or seriously neglects a juvenile.
- (19a) *Serious Neglect* – Conduct, behavior, or inaction of the juvenile's parent, guardian, custodian, or caretaker that evidences a disregard of consequences of such

*magnitude that the conduct, behavior, or inaction constitutes an unequivocal danger to the juvenile's health, welfare, or safety, but does not constitute abuse.*

Administrative Rule 10A NCAC 70A .0104 (<http://reports.oah.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0104.html>) contains additional definitions that impact the RIL. These definitions read:

- (1) *"Authorized persons" means persons authorized to receive data from the Responsible Individuals List. Individuals authorized to receive information from the Responsible Individuals List are individuals whose job functions include administration of the Responsible Individuals List and provision of information from the List to other authorized persons, as identified by the Director of the North Carolina Division of Social Services;*
  - (A) *individuals as identified by the directors of local child welfare agencies;*
  - (B) *individuals as identified by the Director of the Division of Child Development for child caring institutions;*
  - (C) *any Executive Director or program administrator of a child placing agency licensed by the State of North Carolina or another state or that state's agency;*
  - (D) *individuals as identified by the Director of the Division of Health Service Regulation for group home facilities;*
  - (E) *any Executive Director or program administrator of other providers of foster care, child care and adoption services determined by the Department of Health and Human Services;*
  - (F) *the Administrator for the State Guardian Ad Litem program; and*
  - (G) *any Executive Director or program administrator of other private or non-profit agencies that care for children.*
- (2) *"Personal written notice" means delivery in person of the case decision to the responsible individual by the social worker.*
- (3) *"Serious neglect" means conduct, behavior, or inaction that evidences a disregard of consequences of such magnitude as to constitute an unequivocal danger to a child's health, welfare or safety.*

### III. RESPONSIBLE INDIVIDUALS LIST STATUTE (G.S. § 7B-311)

DHHS is required to establish a list of individuals responsible for the abuse and/or serious neglect of a juvenile and is required to establish due process procedures for the alleged responsible

individual to request a judicial review of the abuse and/or serious neglect decision and the placement of their name on the RIL. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect.

The RIL is used to identify parents, guardians, caretakers, or custodians that have been named as responsible individuals in all substantiated cases of abuse and/or serious neglect. Thus, only case decisions made as a result of an Investigative Assessment can result in RIL placement.

Placement on the RIL occurs only after one of the following has occurred:

1. The responsible individual is properly notified of his right to request a judicial review and fails to file a petition for judicial review in a timely manner;
2. The court determines that the individual is a responsible individual as a result of a hearing on the individual's petition for judicial review; or
3. The individual is criminally convicted as a result of the same incident involved in the Investigative Assessment. The district attorney shall inform the director of the result of a criminal proceeding. Each local child welfare agency shall develop policies and procedures with its District Attorney regarding the notification to the agency of the criminal conviction.

Requests for information, by authorized users other than local child welfare agencies, from the RIL shall be directed to the North Carolina Division of Social Services (NCDSS) using the Request for Information from the Responsible Individuals List form (DSS-5268: <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5268-ia.pdf>). Authorized individuals on the staff of local child welfare agencies will have direct access to the RIL.

G.S. § 7B-311(b) only authorizes the use of the RIL "to determine the fitness of individuals to care for or adopt children." The RIL may not be used as part of the employment process unless the employee will have the responsibility of caring for children, either on a temporary or permanent basis. RIL checks are mandated for foster parent and adoptive applicants and kinship care safety resources.

With the exception of searches conducted by the county child welfare agencies, all requests for searches of the Responsible Individuals List will be submitted in writing to the Division of Social Services by "authorized persons," as defined in Section II above, who are strongly considering the responsible individual for employment or volunteer services that involve the care of or adoption of children. In order to conduct a search, the Division requires that the requests include the potential responsible individual's date of birth, sex, and Social Security Number, as well as an acknowledgement by the potential responsible individual that he or she has been informed that the Division of Social Services will disclose to the authorized person whether his or her name appears on the Responsible Individuals List.

In contrast, the Central Registry is used to gather historical and statistical data on children who have been alleged or identified as victims of abuse, neglect or dependency. It is also used to gather historical and statistical data on parents, guardians, caretakers, and custodians identified as perpetrators of abuse or neglect. Access to the Central Registry is limited by North Carolina Laws and Administrative Rules, and that access does not change as a result of the Responsible

Individuals List. At no time shall the Central Registry be used for determining employability or fitness of an individual (including a volunteer) to provide care to or adopt a child.

Because the RIL could affect the individual's employment or ability to foster or adopt, information maintained on the RIL should be current and updated within the time frames established.

The RIL is subject to strict confidentiality rules. Therefore, it is unlawful for any public official or public employee to knowingly and willfully release information from the Central Registry or the RIL to an unauthorized person. It is unlawful for any person who is authorized to receive the information to release it to an unauthorized person, and it is unlawful for any person who is not authorized to receive information to access or attempt to access it. A person who commits such an offense described is guilty of a Class 3 Misdemeanor.

#### IV. OUT-OF-STATE SITUATIONS

There are instances when a report is received but the incident occurred out-of-state, or the alleged responsible individual lives out-of-state. The following scenarios detail actions to be taken related to the RIL:

- A. Child and parent/caretaker reside in NC, maltreatment is out-of-state:  
When the report indicates that the residence of both the child and the parents or caretakers is in North Carolina, but the location of the alleged maltreatment is out-of-state, the county of residence shall conduct the CPS Assessment, but if substantiated for abuse and/or serious neglect, the named perpetrator is not eligible for the judicial review process, which must take place in the county where the abuse or neglect report arose, and thus may not have his name placed on the RIL.
- B. Child resident of NC, parent/caretaker non-NC resident, maltreatment out-of-state:  
If maltreatment is alleged to have occurred to a North Carolina child while out-of-state by an individual who is not a resident of North Carolina, the agency should refer that report to the state where the alleged maltreatment occurred. If that state refuses to accept the report, North Carolina should conduct the CPS Assessment with assistance from the other state, but if substantiated for abuse and/or serious neglect, the named perpetrator is not eligible for the judicial review process, which must take place in the county where the abuse or neglect report arose, and thus may not have his name placed on the RIL.
- C. Child resident of NC, parent/caretaker non-NC resident, maltreatment in NC:  
If a report alleges that a North Carolina child was maltreated in North Carolina by a parent or caretaker who is not a North Carolina resident, it is the responsibility of the local child welfare agency to conduct the CPS Assessment with the other state's assistance. If the case decision results in a substantiation of abuse and/or serious neglect, the alleged responsible individual is eligible for the judicial review process and, if appropriate, to have their name placed on the RIL.

#### V. JUDICIAL REVIEW

The judicial review process is a District Court level hearing on a petition, initiated by the alleged responsible individual for a review of the director's decision to identify the individual as a

responsible individual and to place their name on the RIL. The judicial review process has been established by G.S. § 7B-323 and G.S. § 7B-324.

The Judicial Review Petition, AOC-J-131 (<http://www.nccourts.org/Forms/Documents/951.pdf>), must be filed within 15 days of receipt of the case decision notification in the district in which the abuse and/or serious neglect arose. Should that time frame expire, the right to request a judicial review is forfeited, and the individual's name will be placed on the RIL, unless the district court in that county allows a judicial review petition filed outside of that 15 day time frame to be heard because it serves the interest of justice or for extraordinary circumstances, as per G.S. § 7B-323(e).

#### **A. CASE DECISION ISSUES & SWITCHING ASSESSMENT TRACKS**

Existing policy states that upon completion of either a Family Assessment or an Investigative Assessment, the child welfare worker is required to notify the parties involved of the case decision. This information can be found in Section 1408 – Investigative and Family Assessments (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/pdf%20docs/CS1408.pdf>). However, only Investigative Assessment findings of abuse and/or serious neglect are eligible to have the name of the alleged responsible individual placed on the RIL. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect. The name shall be placed on the RIL only after one of the three criteria outlined on page 4 of this section is satisfied. Specific requirements for case decision notification in RIL cases are discussed in Section B below.

Current child welfare policy allows local child welfare agencies to switch CPS Assessment responses between an Investigative Assessment and Family Assessment during the actual assessment. Switching responses during an assessment should not be done frequently or without a thorough discussion of the case by the child welfare worker and the supervisor. All decisions to change the CPS Assessment response must be done with supervisory approval. Documentation in the record should also clearly show why such a decision was made and how it helped ensure the safety of the child.

Note: While cases of abuse may only be assigned as Investigative Assessments, cases alleging neglect may initially be assigned as a Family Assessment. Local child welfare agencies must insure that neglect allegations that will result in a finding of serious neglect and that have initially been assigned as Family Assessments are reassigned as Investigative Assessments prior to case decision. Additionally, prior to case decision, the family shall be notified by the agency that the Family Assessment process is ending and that the case is being reassigned as an Investigative Assessment. The local child welfare agency shall also review with the family the differences between Family and Investigative Assessments, including the potential for RIL placement.

Regardless of the response under which the report was accepted, if the case decision is to substantiate abuse and/or serious neglect after an Investigative Assessment, the name(s) of the perpetrator(s) is/are to be entered on the Report to the Central Registry, DSS-5104, (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104.pdf>). Instructions for the completion of the DSS-5104 are located in Chapter VIII; Section 1426 (<http://info.dhhs.state.nc.us/olm/manuals/dss/csm-60/man/CS1426.pdf>).

When completing a Family Assessment, the finding will be reported to the Central Registry with no perpetrator information entered; therefore, the RIL process is not available.

North Carolina Administrative Code 10A NCAC 70A .0114

(<http://ncrules.state.nc.us/ncac/title%2010a%20-%20health%20and%20human%20services/chapter%2070%20-%20children's%20services/subchapter%20a/10a%20ncac%2070a%20.0114.pdf>)

specifies that local child welfare agencies continue to be responsible for the delivery of protective services and for ensuring the safety of children during the judicial review process. While this rule references the former RIL expunction process, it should be interpreted to be applicable to the current judicial review process). Should the local child welfare agency determine that the family is unwilling to accept critically needed services, or despite the agency's efforts to provide or arrange for those services, the parents have made no progress toward providing adequate care sufficient to ensure the safety of the child, the agency maintains the ability to file a juvenile petition alleging abuse, neglect, and/or dependency.

During the judicial review process, should the local child welfare agency determine that protective services are no longer necessary and case closure is appropriate, nothing in the judicial review process should prevent the closure of the case.

## **B. CASE DECISION NOTIFICATION (G.S. § 7B-320)**

G.S. § 7B-320(a)

([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_7B/GS\\_7B-302.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-302.html)) states, "after the completion of an investigative assessment that results in a determination of abuse or serious neglect and the identification of a responsible individual, the director shall personally deliver written notice of the determination to the identified individual." Thus, after a case decision is made to substantiate any combination of abuse, neglect and/or serious neglect, which identifies an alleged responsible individual, that individual must receive notice regarding the RIL. In other words, placement on the RIL is not discretionary.

The child welfare worker shall make face-to-face contact with the alleged responsible individual within 5 business days of the case decision to explain the reason for the substantiation and to provide written notice of the potential for their name to be placed on the RIL. It is permissible for a child welfare worker other than the child welfare worker who conducted the assessment to deliver the case decision / RIL placement notice. In addition to documentation in the record, when possible, it is recommended that the notice include an acknowledgement by the alleged responsible individual that they did receive the case decision / RIL placement notice and the date received.

If it is not possible to make face-to-face contact with the alleged responsible individual to deliver the written notice within those 5 business days, the child welfare worker shall make diligent and persistent efforts to make contact. However, should the child welfare worker be unsuccessful in contacting the alleged responsible individual to provide personal written notice within 15 days of the case decision, the notice shall be sent by registered or certified mail, return receipt requested and addressed to the individual at the individual's last known address.

Should the case decision/RIL placement notice be returned as undeliverable or signed by someone other than the alleged responsible individual, the individual's name shall not be placed on the RIL, unless the procedures of G.S. 7B-320(a1) are used. This new subsection, effective October 1, 2013, and applicable to actions filed on or pending on or after that date, provides that if the director cannot show that the individual has received actual notice, the director shall not place the individual on the RIL until an *ex parte* hearing is held at which a district court judge determines that the director made diligent efforts to find the individual. A finding that the individual is evading service is relevant to the determination that the director made diligent efforts.

Note: In the event that there is a lack of identifying information for the alleged responsible individual, such as a date of birth or Social Security Number (SSN), but the individual did receive the notice, it is permissible to place the name on the RIL provided that there is at least one identifier. However, if the notice is undeliverable and there is no identifying information, the name shall not go on the RIL.

G.S. § 7B-320(c) specifies that the personal written notice to the responsible individual shall contain the following:

1. A thorough, detailed statement summarizing the substantial evidence supporting the decision to substantiate abuse and/or serious neglect (without identifying the reporter or collateral contacts) and that the individual has been identified as the responsible individual. The case decision can also include other findings in any combination provided at least one of the findings is abuse or serious neglect. When this occurs, the notice to the individual shall also include language that indicates the agency will continue to work with the family on an involuntary basis
2. A statement, in accordance with G.S. § 7B-320(c)(3), informing the individual that unless the individual petitions for a judicial review within the specified time frame (15 days), their name will be placed on the RIL, and that the NC DHHS may provide information from that list to child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including Guardian ad Litem) that need to determine the fitness of individuals to care for or adopt children as permitted by G.S. § 7B-311.
3. A clear description of the actions the individual must take to request a judicial review to prevent the placement of their name on the RIL. These instructions shall include a copy of the Petition for Judicial Review.

An example of a case decision letter is provided; however the letter may be altered to individualize it. The letter may read:



**North Carolina Division of Social Services  
Child Welfare Services  
Protective Services Manual**

**Change # 01-2014**

**Responsible Individuals List**

**January 2014**

Date

Name  
Address  
City, State, ZIP

Dear \_\_\_\_\_,

This agency has completed a Child Protective Services (CPS) Investigative Assessment based on the allegations of:

This Child Protective Services (CPS) Assessment has been substantiated based on the following:

As a result, a case decision to substantiate (or find) abuse and/or serious neglect has been made. In addition, the case decision also found neglect and/ or dependency (Optional). This substantiation also identifies you as a person responsible for the abuse and/or serious neglect and with that comes the potential for your name to be placed on the Responsible Individuals List (RIL).

The RIL is a list of individuals determined to be responsible for the abuse and/or serious neglect of a juvenile. Information from this list may be released to certain employers (G.S. § 7B-311(b)) such as: child caring institutions, child placing agencies, group home facilities, and other providers of foster care, child care, or adoption services (including the Guardian Ad Litem). Information released shall be used to determine fitness to care for or adopt children.

To request that a district court judge review the case decision identifying you as a person responsible for abuse and/or serious neglect, a Petition for Judicial Review: Responsible Individuals List (AOC-J-131) must be filed (see the attached form). North Carolina law (G.S. § 7B-323) states that this Petition must be filed within 15 days from your receipt of this letter. This Petition for Judicial Review should be filed with the clerk of court in \_\_\_\_\_ County. Should you choose to file a Petition for Judicial Review, your name will not be placed on the RIL unless the court finds you are an individual responsible for the abuse and/or serious neglect of a child. If you chose not to file a Petition for Judicial Review within 15 days, your name will automatically be placed on the RIL.

G.S. § 7B-320(b) provides that, at the judicial review hearing, the director shall have the burden of proving by a preponderance of the evidence the abuse or serious neglect and the identification of the individual seeking judicial review as a responsible individual. The hearing shall be before a judge without a jury, and the rules of evidence applicable to civil cases shall apply. However, the court in its discretion may permit the admission of any reliable and relevant evidence if the general purposes of the rules of evidence and the interests of justice will best be served by its admission.

G.S. § 7B-323(c) further provides that the parties have the right to present relevant sworn evidence, law, or rules, the right to represent themselves or obtain the services of an attorney at their own expense, and the right to subpoena witnesses, cross-examine witnesses of the other party and make a closing argument.

In the event that there are extraordinary circumstances that prevent you from filing for a judicial review with 15 days, G.S. § 7B-323(e) allows you to file a Petition for Judicial Review and a district court judge in \_\_\_\_\_ County has discretion to determine whether the judicial review hearing should be held.

Should you have further questions regarding the placement of your name on the RIL, please contact:

\_\_\_\_\_ at \_\_\_\_\_.

Sincerely,

\_\_\_\_\_  
Child Welfare Worker

\_\_\_\_\_  
Child Welfare Supervisor

Alleged Responsible Individual signature/initial \_\_\_\_\_ Date \_\_\_\_\_

This acknowledges only the receipt of this letter, not agreement with the finding of abuse and/or serious neglect .

**C. PETITION FOR JUDICIAL REVIEW (G.S. § 7B-323)**

A Petition for Judicial Review must be filed within 15 days of the receipt of the case decision/RIL placement notice by the alleged responsible individual. The Petition for Judicial Review must be filed with the district court in the county where the abuse and/or serious neglect arose. Upon filing, the clerk of court will calendar the case for hearing within 45 days. The local child welfare director who made the determination to identify the alleged responsible individual, and the petitioner, will be sent a Notice of Hearing. If the individual fails to file the Petition for Judicial Review within 15 days of receipt of the case decision/RIL placement notice, the right to request a judicial review is waived, unless the individual utilizes the provisions of G.S. § 7B-323(e) described above. This failure to request a judicial review will result in the placement of the alleged responsible individual's name on the RIL.

**1. DIRECTOR'S REVIEW AND DETERMINATION**

Once notified that a judicial review has been calendared, the director shall review all records, reports and other information gathered and used during the CPS Assessment case decision process. If, after reviewing the information gathered, the director determines that there is not sufficient evidence to support a determination that the individual abused and/or seriously neglected the juvenile and is a responsible individual, the director shall prepare a written statement of the director's determination and deliver it to the responsible individual. It is permissible for the director's designee to deliver the letter. The letter may also be sent by first class mail. The individual's name may not be placed on the RIL.

Note: If a determination is made that there was not sufficient evidence to support a determination of abuse and/or serious neglect, but that a finding of neglect and/or dependency was properly made as a part of the original case decision, the statement provided to the individual and the clerk of court shall include language that indicates the agency will continue to work with the family on an involuntary basis without the individual being placed on the RIL.

G.S. 7B-323(b1) provides that the clerk of court, upon receipt of the director's letter finding no abuse or serious neglect, will cancel the judicial review hearing with notice of cancellation given to the petitioner.

**2. CONFLICT OF INTEREST**

When another county, as a result of a conflict of interest, conducts the CPS Investigative Assessment, the request for judicial review following notification of an alleged responsible individual must still be made to the district court in the county where the abuse and/or serious neglect arose, or in other words, where the incident occurred. However, it is the director of the county that made the case decision of abuse and/or serious neglect and responsible individual determination who is responsible for reviewing that case decision upon notification of a pending judicial review and for presenting evidence in the judicial review held in the county where the report arose.

### 3. PERSONS INELIGIBLE FOR JUDICIAL REVIEW

G.S. § 7B-324(a) provides that an individual identified by a director as a responsible individual may not petition for judicial review if any of the following apply:

The individual is criminally convicted as a result of the same incident. The district attorney shall inform the director of the result of the criminal proceeding, or

After proper notice, the individual fails to file for judicial review with the district court in a timely manner.

This same statute provides that if, at any time during the judicial review process, the individual seeking the judicial review is named as a respondent in a juvenile court case or a defendant in a criminal court case resulting from the same incident, the court may stay the judicial review process. The juvenile court action may no longer be consolidated with the RIL judicial review.

### D. JUDICIAL REVIEW PROCESS

Throughout the judicial review process, the following shall apply:

- the rules of civil procedure
- the right to present sworn evidence, law, or rules
- the right of responsible individuals to represent themselves or obtain the services of an attorney at their own expense
- the right to subpoena witnesses, cross-examine witnesses of the other party, and make a closing argument.

The director has the burden of proving by a preponderance of the evidence that the case decision of abuse and/or serious neglect and placement of the person's name on the RIL is correct.

The rules of evidence in civil cases apply. However, upon judicial determination, other reliable and relevant evidence may be admissible. Because of the nature of this hearing, the social worker should be prepared to give personal testimony and/or to provide the case record if requested. This hearing shall be before a judge without a jury. The alleged responsible individual and the director are parties to the action. The judicial review process does not provide for the involvement of a Guardian Ad Litem, as per G.S. § 7B-601

([http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_7B/GS\\_7B-601.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_7B/GS_7B-601.html)).

**1. JUDICIAL DETERMINATION (G.S. § 7B-323(d))**

G.S. § 7B-323(d) provides that within 30 calendar days of the conclusion of the judicial review hearing, the Court shall sign and enter a written order containing findings of fact and conclusions of law.

That statute further provides that if the court concludes that the director has established by a preponderance of the evidence abuse or serious neglect and the identification of the individual seeking judicial review as the responsible individual, the court shall order the director to place the individual's name on the RIL.

If the court concludes that the director has not established by a preponderance of the evidence abuse or serious neglect or the identification of the responsible individual, the court shall reverse the director's determination and order the director not to place the individual's name on the RIL.

Should the court determine only that there was insufficient evidence to establish that the alleged responsible individual was the person responsible for abuse or serious neglect of a child, the individual's name may not go on the RIL. However, the status of the child as abused or seriously neglected is unchanged.

In this instance, the local child welfare agency would need to decide whether this family requires on-going, involuntary services to protect the child. While the court did not make a determination about the agency's case decision, the court's findings may impact its ability to continue providing on-going, involuntary services.

The agency may still have grounds to petition the court to adjudicate the child as abused, seriously neglected, or neglected even without a responsible individual finding.

The responsible individual or the director may appeal the District Court's decision. Notice of Appeal of the District Court's order will not prohibit the director from placing that responsible individual's name on the RIL.

Should the Court of Appeals reverse the District Court's finding and order that an individual's name be removed from the RIL, the director will notify the NC DSS and request that individual's name be removed.

**VI. DSS-5104a FORM COMPLETION: FIELDS AND CODES**

All CPS Investigative Assessments shall include a discussion with the family that, as a part of the Investigative Assessment, a case decision to substantiate abuse and/or serious neglect carries with it the potential for their name to be placed on the RIL. The Responsible Individual's List form,

DSS-5104a (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104a.pdf>), is the mechanism by which the placement of the responsible individual's name on the RIL occurs.

If the director is notified that a Petition for Judicial Review has been filed, staff will enter the information regarding the judicial review at the conclusion of the judicial review hearing via the DSS-5104a, (Fields 13-18).

The name of the responsible individual is only placed upon the RIL if the court makes that determination. If the determination of the court is that the name is to be placed on the RIL, the Central Registry will automatically be updated to reflect the decision of the court on the Petition for Judicial Review once the DSS-5104a is entered.

Should the alleged responsible individual fail to file a Petition for Judicial Review within the timeframe allowed, 15 days, the original decision of the director stands and staff will enter information regarding the original decision of the director to identify the perpetrator as a responsible individual (Fields 24-26). The Central Registry will automatically be updated to reflect the decision of the director when the DSS-5104a is entered.

When the DSS-5104a is initially opened for data entry, Fields 1-11 will be auto-populated from the case in the Report to Central Registry. The remaining fields document the process of placing the name of the alleged responsible individual on the RIL. The form is meant to provide as accurate a timeline as possible and track events that occurred. The form is updated as needed and data entered once the appropriate processes are complete.

Due to system requirements, the agency will not be able to enter information as it becomes available, but must wait until each process is complete before keying. For instance, in cases where a Petition for Judicial Review is filed, the date the AOC-J-131 is filed (Field 13) cannot be keyed until the information for Date of Judicial Review (Field 14), Director Determination (Field 15), JR Determination (Field 16), and Date Judicial Review Signed (Field 18) is also available. The single exception is in cases where the director is responsible for placing someone on the RIL. Fields 24 (RIL Code) and 25 (Date of RIL Placement) should be keyed as soon as possible and not be held until the Responsible Individual has been criminally convicted, if applicable. The system will allow the Date of Criminal Conviction (Field 28) to be keyed at a later time.

Note: Family Assessments do not identify a perpetrator so no Family Assessment finding will be captured on the DSS-5104a.

**A. RESPONSIBLE INDIVIDUALS LIST FUNCTIONS**

The RIL can be accessed through the Central Registry system main menu by selecting Option 9.

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SY01  CYA001FM                                DATE: 09/23/2011
                                                TIME: 12:53:47

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
CENTRAL REGISTRY SELECTION MENU

FUNCTION                                KEY                                SELECTIONS
DSS-5104 ENTRY                          1
DSS-5104 INQUIRY                         FORM NUMBER                       2
DSS-5104 CHANGES                        FORM NUMBER                       3

VICTIM NAME DISPLAY                     LAST, FIRST, MI                   4
SOUNDEX VICTIM NAME DISPLAY             LAST, FIRST                       5
PERPETRATOR NAME DISPLAY                 LAST, FIRST, MI                   6

ADMINISTRATIVE MENU                      7
FATALITIES MENU                          8

RESPONSIBLE INDIVIDUALS LIST MENU        9

SELECTION _ KEY

CYA261 - PLEASE MARK A SELECTION.
4B  :00.1 22/37
  
```

The RIL menu has 7 functions:

```

RIL010FM                                RESPONSIBLE INDIVIDUAL LIST        09/23/2011
                                                MAIN MENU                          12:55:03

OPTIONS                                DESCRIPTION                                KEY
-----                                -
1    DSS-5104A INQUIRY                    RIL NUMBER
2    DSS-5104A UPDATE                    RIL NUMBER
3    DSS-5104A ENTRY                     CYA FORM NUMBER
4    SEARCH BY SSN (INQUIRY/UPDATE)       RIL SSN
5    SEARCH BY NAME (INQUIRY/UPDATE)     RIL LAST, FIRST, MI
6    ADMINISTRATIVE MENU
7    RETURN TO CENTRAL REGISTRY

OPTION _ KEY

PF3= CENTRAL REGISTRY MAIN MENU    PF4= LOGOFF
RIL1010: SELECT OPTION & ENTER REQUIRED FIELDS        00000
4B  :00.1 18/13
  
```

1. Menu Options

- **DSS-5104a Inquiry:** allows the RIL form number to be entered to view the RIL entry.

Key "1" as the selection followed by the RIL form number. This will display the DSS-5104a record. The Inquiry function displays a view-only screen and no changes or updates may be made.

```

RIL020FM      RESPONSIBLE INDIVIDUAL LIST      DATE: 09/26/2011
                RIL INQUIRY                    09:33:53
RIL FORM: 000015
RESPONSIBLE INDIVIDUAL
  LAST NAME    FIRST NAME    MI    DOB    AGE    RACE    SEX    SSN
PERPETRATOR   SECOND
062           N15654         06011983  028    01     2     333113333
INVESTIGATIVE ASSESSMENT FINDINGS
  CTY    CYA FORM    INITIAL REPORT    CASE DECISION    RIL IND    NOTICE DEL
062     N15654         06012011         06302011         1D         07012011

JUDICIAL REVIEW (AOC-J-131) HEARING
DATE J131 FILED    JUD REV DATE    DIR DETERM    JR DETERM    JR SIGNED

JUVENILE PETITION (AOC-J-130)
DATE J130 FILED    DATE ADJUDICATION    ADJ FIND    RIL FIND    JP SIGNED

ORIGINAL RIL INDICATOR STATUS DSS-5104
RIL CODE    DATE RIL PLACEMENT    DATE CRIM CONVICTION
1D         07202011

PF3 = PREV SCREEN    PF9 = CONFIRM    PF10 = CANCEL
RIL2003: DISPLAYED. ENTER NEW RIL OR PF3 EXIT
  
```

- **DSS-5104a Update:** This field allows for the updating of the RIL record.
  - i. Key “2” as the selection followed by the RIL form number. This will display the DSS-5104a record. Only those fields that do not have a value entered may be updated. Fields with values displayed in blue are locked and may not be changed.

```

RIL030FM      RESPONSIBLE INDIVIDUAL LIST      DATE: 09/26/2011
                RIL UPDATE                    10:50:50
RIL FORM: 000014
RESPONSIBLE INDIVIDUAL
  LAST NAME    FIRST NAME    MI    DOB    AGE    RACE    SEX    SSN
PERPETRATOR   FIRST
062           N15654         06011979  032    01     1     111221111
INVESTIGATIVE ASSESSMENT FINDINGS
  CTY    CYA FORM    INITIAL REPORT    CASE DECISION    RIL IND    NOTICE DEL
062     N15654         06012011         06302011         1D         07012011

JUDICIAL REVIEW (AOC-J-131) HEARING
DATE J131 FILED    JUD REV DATE    DIR DETERM    JR DETERM    JR SIGNED

JUVENILE PETITION (AOC-J-130)
DATE J130 FILED    DATE ADJUDICATION    ADJ FIND    RIL FIND    JP SIGNED

ORIGINAL RIL INDICATOR STATUS DSS-5104
RIL CODE    DATE RIL PLACEMENT    DATE CRIM CONVICTION
1D         07302011

PF3 = PREV SCREEN    PF9 = CONFIRM    PF10 = CANCEL
RIL3001: ENTER CLIENT CHANGES
  
```

If data is entered incorrectly or in error, a DSS-5104d (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5104d.pdf>) must be submitted to the Division for the appropriate modification or deletion.

- **DSS-5104a Entry:** allows for the initial entry of a DSS-5104a.
  - Key “3” as the selection and the corresponding DSS-5104 (Central Registry/CYA) number.
  - A screen will appear listing all perpetrators associated with the DSS-5104. Users will be able to select which perpetrator(s) to enter the DSS-5104a.

```

RIL040FM          RESPONSIBLE INDIVIDUAL LIST          9/23/2011
                  PERPETRATOR DISPLAY                  13:00:36
CYA FORM          N15654
SEL              NAME          DOB          AGE          S          SSN          RIL
s              PERPETRATOR    FIRST          06011979    032          1          111221111    00
                PERPETRATOR    SECOND         06011983    028          2          333113333    00
                PERPETRATOR    THIRD         06011989    022          2          555225555    00

ENTER 'S' NEXT TO PERPETRATOR SELECTION

PF3 = PREV SCREEN          PF10 = CANCEL
RIL4009: PERPS DISPLAYED, PERP(S) ELIGIBLE FOR ENTRY ARE IN WHITE.
07/03
    
```

Once a perpetrator has been selected, the DSS-5104a screen will display with Fields 1-12 auto populated from the Central Registry. The RIL form number will be displayed at the top left of the screen.

```

RIL000FM          RESPONSIBLE INDIVIDUAL LIST          DATE:          09/23/2011
                  RIL ENTRY                            13:17:45
RIL FORM: 000015
RESPONSIBLE INDIVIDUAL
LAST NAME        FIRST NAME        MI          DOB          AGE          RACE          SEX          SSN
PERPETRATOR     SECOND           06011983    028          01          2          333113333
INVESTIGATIVE ASSESSMENT FINDINGS
CTY             CYA FORM          INITIAL REPORT    CASE DECISION    RIL IND        NOTICE DEL
062             N15654           06012011         06302011         00             -
JUDICIAL REVIEW (AOC-J-131) HEARING
DATE J131 FILED  JUD REV DATE    DIR DETERM    JR DETERM      JR SIGNED
JUVENTILE PETITION (AOC-J-130)
DATE J130 FILED  DATE ADJUDICATION  ADJ FIND      RIL FIND       JP SIGNED
ORIGINAL RIL INDICATOR STATUS DSS-5104
RIL CODE        DATE RIL PLACEMENT  DATE CRIM CONVICTION
PF3 = PREV SCREEN          PF9 = CONFIRM          PF10 = CANCEL
RIL4015: ENTER DSS-5104A DATA
09/70
    
```

When all of the information regarding the perpetrator has been entered the message “DSS-5104 VALIDATED. PF9 ADD TO RIL OR PF10 CANCEL RIL.” will display at the bottom of the screen. The user will be returned to the RIL entry screen and the message “FORM PROCESSED.PERP(S) IN GREEN. ENTER NEW CYA FORM OR PF3 EXIT” will be displayed.

If there are additional perpetrators from the DSS-5104 that should be added to the RIL, they may be selected and added. If all perpetrators that are Responsible Individuals have been added, press PF3 to return to the main menu. When all perpetrators on the DSS-5104 have had a DSS-5104a entered, the message “ALL PERPETRATORS OF THIS FORM HAVE BEEN ADDED” will be displayed.

Not all perpetrators on a particular DSS-5104 should necessarily have an associated DSS-5104a. There should only be one DSS-5104 entered for the assessment, which should include all perpetrators; however some perpetrators may not be appropriate for placement on the RIL. In that case, simply do not key a DSS-5104a for those perpetrators, and they will continue to show in white.



Only those DSS-5104s that have at least one type found of “1” Abuse, “2S” Serious Neglect, “3” Abuse and Neglect or “3S” Abuse and Serious Neglect, or “2N” Serious Neglect and Neglect are eligible for entry in RIL. If none of these values are present an error message “FORM DOES NOT PERMIT RIL ENTRY” will appear.

- **SSN Search:** This option is used to search for a responsible individual by their social security number.
  - i. Key “4” as the selection then the SSN as the key.

```

RIL010FM                                RESPONSIBLE INDIVIDUAL LIST                                09/23/2011
                                          MAIN MENU                                           13:06:22

-----
OPTIONS                                DESCRIPTION                                KEY
-----
1      DSS-5104A INQUIRY                                RIL NUMBER
2      DSS-5104A UPDATE                                RIL NUMBER
3      DSS-5104A ENTRY                                CYA FORM NUMBER
4      SEARCH BY SSN (INQUIRY/UPDATE)                 RIL SSN
5      SEARCH BY NAME (INQUIRY/UPDATE)                RIL LAST, FIRST, MI
6      ADMINISTRATIVE MENU
7      RETURN TO CENTRAL REGISTRY

OPTION 4      KEY 111221111_

PF3= CENTRAL REGISTRY MAIN MENU      PF4= LOGOFF
RIL1010: SELECT OPTION & ENTER REQUIRED FIELDS                                00000
-----

```

- ii. Results will display as shown below. Users may select a specific record for Inquiry “I” or Update “U”, depending on their access level.

```

RIL050FM                                RESPONSIBLE INDIVIDUAL LIST REGISTER                                09/23/2011
                                          SOCIAL SECURITY NUMBER SEARCH                                15:23:55

S  FORM *****NAME*****                                SSN      DOB      S  RL  RPT  DATE  CASE  DEC
_  000014 PERPETRATOR      FIRST      111221111 06011979 1  1D  06012011 06302011

NEW SEARCH==>
I= CLIENT INQUIRY      U = CLIENT UPDATE
PF3= PREV MENU      PF7= PAGE BACK      PF8= PAGE FORWARD
RIL5008: NO MORE NAMES.
-----

```

- **Name Search:** this option is used to search for a responsible individual by name.
  - i. Key “5” as the selection then the individual’s last name, first name, first initial as the key. Do not leave spaces between the names. Wildcard searches may also be performed by entering a partial name and an asterisk (\*), as shown below.

```

RIL010FM                                RESPONSIBLE INDIVIDUAL LIST                                09/23/2011
                                           MAIN MENU                                           15:33:22

-----
OPTIONS                                DESCRIPTION                                KEY
-----
1                                DSS-5104A INQUIRY                                RIL NUMBER
2                                DSS-5104A UPDATE                                RIL NUMBER
3                                DSS-5104A ENTRY                                CYA FORM NUMBER
4                                SEARCH BY SSN (INQUIRY/UPDATE)                RIL SSN
5                                SEARCH BY NAME (INQUIRY/UPDATE)              RIL LAST, FIRST, MI
6                                ADMINISTRATIVE MENU
7                                RETURN TO CENTRAL REGISTRY

OPTION 5                                KEY Perpet*_

PF3= CENTRAL REGISTRY MAIN MENU          PF4= LOGOFF
RIL1010: SELECT OPTION & ENTER REQUIRED FIELDS                                00000
                                           :00.1                                           18/31
  
```

ii. Results will be shown as below. Users may select a specific record for Inquiry “I” or Update “U”, depending on their access level.

```

RIL060FM                                RESPONSIBLE INDIVIDUAL LIST REGISTER                                09/23/2011
                                           CLIENT NAME SEARCH                                15:28:56

S  FORM  *****NAME*****                SSN      DOB      S  RL  RPT  DATE  CASE  DEC
-----
  000014  PERPETRATOR  FIRST                111221111 06011979 1  1D  06012011 06302011
- 000011  PERPETRATOR  PERP                 888888888 05011983 1  1D  05012011 05202011
- 000015  PERPETRATOR  SECOND              333113333 06011983 2  1D  06012011 06302011

NEW SEARCH==>
I= CLIENT INQUIRY      U = CLIENT UPDATE
PF3= PREV SCREEN      PF7= PAGE BACK      PF8= PAGE FORWARD
RIL6006: SELECTION MUST BE EITHER 'I' OR 'U' - REENTER

                                           :00.1                                           15/42
  
```

- **Administrative Menu:** allows for functions not available to all users.
- **Return to Central Registry:** Key “7” to return to the Central Registry.
- **Log off:** allows the user to logoff. When “F3” is pressed twice, a blank screen will show and the user then types “logoff” and press enter. The screen will then return to the main state banner screen.

**V. RESPONSIBLE INDIVIDUALS’ INFORMATION (FIELDS 1 THROUGH 11)**

Fields 1-6 contain information regarding the identity of the responsible individual when the type found code entered into the DSS 5104 is a “1” (Abuse), “3” (Abuse and Neglect), “3S” (Abuse and Serious Neglect), “2N” (Serious Neglect and Neglect) or a “2S” (Serious Neglect).

Fields 7-11 contain addition information regarding the CPS Assessment. These fields are auto-populated from the Report to Central Registry (DSS-5104) and cannot be changed.

**FIELD 1 - RESPONSIBLE INDIVIDUAL NAME**

(Automatically populated from the Central Registry's Field 33)

The name will display exactly as it appears in the Central Registry.

**FIELD 2 - DATE OF BIRTH**

(Automatically populated from the Central Registry's Field 34)

The date of birth will appear exactly as it appears in the Central Registry. Without a date of birth or SSN, the name shall not be placed on the RIL.

**FIELD 3 - AGE**

(Automatically populated from the Central Registry's Field 35)

The age of the individual will be calculated from the entry in Field 2. Should the date of birth be unknown an "E" will appear indicating the age as estimated.

**FIELD 4 - RACE/ETHNICITY**

(Automatically populated from the Central Registry's Field 36)

**FIELD 5 - SEX**

(Automatically populated from the Central Registry's Field 37)

The responsible individual's sex will be displayed using one of the following one-digit codes:

Code	Value
1	Male
2	Female

**FIELD 6 - SOCIAL SECURITY NUMBER**

(Automatically populated from the Central Registry's Field 38)

Without a date of birth or SSN, the name shall not be placed on the RIL.

**FIELD 7 - COUNTY**

(Automatically populated from the Central Registry's Field 1)

<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>	<u>Co. #</u>	<u>County Name</u>
01	Alamance	26	Cumberland	51	Johnston	76	Randolph
02	Alexander	27	Currituck	52	Jones	77	Richmond
03	Alleghany	28	Dare	53	Lee	78	Robeson
04	Anson	29	Davidson	54	Lenoir	79	Rockingham
05	Ashe	30	Davie	55	Lincoln	80	Rowan
06	Avery	31	Duplin	56	Macon	81	Rutherford
07	Beaufort	32	Durham	57	Madison	82	Sampson
08	Bertie	33	Edgecombe	58	Martin	83	Scotland
09	Bladen	34	Forsyth	59	McDowell	84	Stanly
10	Brunswick	35	Franklin	60	Mecklenburg	85	Stokes

11	Buncombe	36	Gaston	61	Mitchell	86	Surry
12	Burke	37	Gates	62	Montgomery	87	Swain
13	Cabarrus	38	Graham	63	Moore	88	Transylvania
14	Caldwell	39	Granville	64	Nash	89	Tyrrell
15	Camden	40	Greene	65	New Hanover	90	Union
16	Carteret	41	Guilford	66	Northampton	91	Vance
17	Caswell	42	Halifax	67	Onslow	92	Wake
18	Catawba	43	Harnett	68	Orange	93	Warren
19	Chatham	44	Haywood	69	Pamlico	94	Washington
20	Cherokee	45	Henderson	70	Pasquotank	95	Watauga
21	Chowan	46	Hertford	71	Pender	96	Wayne
22	Clay	47	Hoke	72	Perquimans	97	Wilkes
23	Cleveland	48	Hyde	73	Person	98	Wilson
24	Columbus	49	Iredell	74	Pitt	99	Yadkin
25	Craven	50	Jackson	75	Polk	00	Yancey

**Field 8 - Central Registry Form Number**

(The DSS-5104 number assigned to the record when created in the Central Registry.)

**Field 9 - Date of Initial Report**

(Automatically populated from the Central Registry's Field 5)

**Field 10 – Date of Case Decision**

(Automatically populated from the Central Registry's Field 7)

**Field 11 – RIL Indicator Status**

(Automatically populated from the Central Registry's Field 39)

This field will initially show as "00" to reflect at the time of entry this individual is not on the RIL. No entry in this field is allowed.

When the DSS-5104a is completed, this field will automatically update based on the entry in Fields 16, 22 and 24, which populate Field 39 on the DSS-5104.

**Field 12 - Date Notice to the Responsible Individual Delivered**

(ENTRY REQUIRED)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the notice to the responsible individual was delivered. This date cannot precede the Date of Case Decision listed in Field 10 on the DSS-5104.

**VI. JUDICIAL REVIEW HEARING - FIELDS 13 THROUGH 18**

The alleged responsible individual has 15 days from the delivery date of the case decision notice to file a petition requesting a judicial review. Fields 13-18 will document the decision of the court and whether or not the alleged responsible individual's name will appear on the RIL.

**Field 13 - Date AOC-J-131 Filed**  
 (ENTRY REQUIRED IF APPLICABLE)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the Petition for Judicial Review was filed by the alleged responsible individual. This date cannot be earlier than the date in Field 12. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to NCDSS.

**Field 14 - Date of Judicial Review**  
 (ENTRY REQUIRED IF APPLICABLE)

If there is a value entered in Field 13, this is a required field.

Enter the date (in the eight-digit numeric MMDDYYYY format) that the judicial review hearing was held. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to NCDSS.

**Field 15 - Director Determination**  
 (ENTRY REQUIRED IF APPLICABLE)

If there is a value entered in Field 13, this is a required field.

Enter the appropriate two-digit code regarding the Director's determination regarding the appropriateness of the case decision using one of the following codes:

Code	Value
01	The Director determined the name should be on the RIL
02	The Director determined that the name should not be on the RIL

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to NCDSS.

**Field 16 - Judicial Review Determination**  
 (ENTRY REQUIRED IF APPLICABLE)

If there is a value in Field 13, this field is required.

Enter the two-digit code regarding the court's determination using one of the following codes:

Code	Value	RIL Placement?
0J	No RIL finding/No serious neglect or abuse	No
1J	Abuse / RIL Placement	Yes
2J	Serious Neglect / RIL Placement	Yes
3J	Abuse and Serious Neglect / RIL Placement	Yes
4J	Abuse and Neglect / RIL Placement	Yes

5J	Serious Neglect and Neglect / RIL Placement	Yes
----	---	-----

The use of Code 0J reflects those situations where the district court has determined, after a judicial review, that the director did not meet his burden to show that the case decision of abuse and/or serious neglect was correct, or determined that the named individual was not shown to be the individual responsible for that abuse and/or serious neglect.

Once there is an entry into this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to the N.C. Division of Social Services.

**Field 17 – Reserved for Future Use**  
 (NO ENTRY)

**Field 18 - Date of Judicial Review Signed**  
 (ENTRY REQUIRED IF APPLICABLE)

If there is a value in Field 13, this field is required.

Enter the date (in the eight-digit numeric MMDDYYYY format) that the presiding judge signed the court order placing the name on the RIL.

This date cannot precede the date of the judicial review listed in Field 14. Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to N.C. Division of Social Services.

**VII. JUVENILE PETITION - FIELDS 19 THROUGH 23**

As of October 1, 2013 Juvenile Petitions will no longer be used to determine an Individual’s placement on the RIL. That is: an adjudication hearing can no longer be combined with a Petition for Judicial Review hearing. Therefore, Fields 19-23 on the DSS-5104a will no longer be used. To allow time for keying DSS-5104a forms completed prior to October 1, 2013, those fields will continue to remain available for entry. However, an edit will be placed in the system that the record may only be saved if the entry in Field 23 (Date Adjudication Order Signed) is prior to October 1, 2013. Fields 19-23 will now be “reserved” for future needs.

**VIII. DIRECTOR DETERMINATION - FIELDS 24 THROUGH 29**

Fields 24 and 25 must be completed when the perpetrator is identified as a responsible individual and fails to file a Petition for a Judicial Review.

**Field 24 - RIL Code**  
 (ENTRY REQUIRED IF APPLICABLE)

Enter the appropriate two-digit code regarding the director’s determination using one of the following codes:

Code	Value	RIL Placement?
1D	Abuse / RIL Placement	Yes

2D	Serious Neglect / RIL Placement	Yes
3D	Abuse and Serious Neglect / RIL Placement	Yes
4D	Abuse and/or Neglect and Other Finding/RIL Placement	Yes
5D	Serious Neglect and Neglect / RIL Placement	Yes
1D	Abuse / RIL Placement	Yes
2D	Serious Neglect / RIL Placement	Yes

The director's determination may be different than the type found of the case decision; therefore the dates in Fields 11 (Type Found) and 24 (RIL Code) are not required to mirror each other.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to N.C. Division of Social Services.

**Field 25 - Date of RIL Placement**  
 (ENTRY REQUIRED IF APPLICABLE)

If there is a value in Field 24, this field is required.

Enter the date (in the eight-digit numeric MMDDYYYY format) this date must be a minimum of 15 days past the case decision date (DSS-5104, Field 7)

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to N.C. Division of Social Services.

**Field 26 - Reserved for Future Use**  
 (NO ENTRY)

**Field 27 - Reserved for Future Use**  
 (NO ENTRY)

**Field 28 - Date Criminal Order Signed**  
 (THIS FIELD IS NOT REQUIRED UNLESS THERE IS AN ENTRY IN FIELD 29)

Enter the date (in the eight-digit numeric MMDDYYYY format) that the alleged responsible individual was criminally convicted as a result of the same incident that led the local child welfare agency to its Child Protective Services involvement if applicable. This date cannot be earlier than the date in Field 10 (Date of Case Decision). A value may be entered after the agency has entered its initial DSS-5104a. However, information on the date of the criminal conviction must be entered no later than 7 days from the date the local child welfare agency receives notice of the criminal conviction.

Once there is an entry for this field it cannot be modified or changed by county users. A modification to this field requires the submission of a DSS-5104d to NCDSS. No entry is allowed unless there is an entry in Field 29.

**Field 29 - Criminal Code**

(THIS FIELD IS NOT REQUIRED UNLESS THERE IS AN ENTRY IN FIELD 28)

This code will automatically populate to Field 39 on the DSS-5104 (RIL Indicator) only if the individual is not currently on the RIL and if other data keyed on the same DSS-5104 does not place the name on the RIL. If the person is already on the RIL, entry of data in this field will not have any effect on any other fields.

Only the following codes are permitted:

<b>Code</b>	<b>Value</b>	<b>RIL Placement?</b>
1C	Abuse	Yes
2C	Serious Neglect	Yes
3C	Abuse and Serious Neglect	Yes
4C	Abuse and/or Neglect	Yes
5C	Serious Neglect and Neglect	Yes